

# HOUSE . . . . . No. 869

By Mr. Vallee of Franklin, petition of James E. Vallee and others relative to the appointment and assignment of counsels for indigent defendants by the Committee for Public Counsel Services. The Judiciary.

## The Commonwealth of Massachusetts

### PETITION OF:

James E. Vallee  
Scott P. Brown  
Todd M. Smola

Thomas A. Golden, Jr.  
David M. Nangle  
Brian Paul Golden

In the Year Two Thousand and Five.

AN ACT RELATIVE TO THE COMMITTEE FOR PUBLIC COUNSEL SERVICES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 4 of chapter 211D of the General Laws,  
2 as appearing in the 2002 Official Edition, is hereby amended by  
3 striking out the first sentence.

1 SECTION 2. Section 5 of said chapter 211D, as so appearing,  
2 is hereby amended by striking the first sentence and inserting in  
3 place thereof the foregoing sentence:— Said committee shall  
4 establish, supervise and maintain a system for the appointment or  
5 assignment of counsel at any stage of a proceeding, criminal in  
6 nature, provided, however, that the laws of the commonwealth or  
7 the rules of the supreme judicial court require that a person in  
8 such proceeding be represented by counsel; and, provided further,  
9 that such person is unable to obtain counsel by reason of his indi-  
10 gency.

1 SECTION 3. Section 6 of said chapter 211D, as so appearing,  
2 is hereby amended by inserting after the word “necessary”, in line  
3 58, the following words:— as long as it does not conflict with the  
4 law.

1 SECTION 4. Section 9 of said chapter 211D, as so appearing,  
2 is hereby amended by striking out, in line 5, the words “whenever  
3 possible”.

1 SECTION 5. Said section 9 of said chapter 211D, as so  
2 appearing, is hereby amended by striking out clause (d).

1 SECTION 6. Section 13 of said chapter 211D, as so appearing,  
2 is hereby amended by inserting after the word “committee” in  
3 line 4, the following words:— ; provided, however, that the  
4 duties do not conflict with the law.

1 SECTION 7. Section 14 of said chapter 211D, as so appearing,  
2 is hereby amended by striking out the first sentence and inserting  
3 in place thereof the following sentence:— The public counsel  
4 division, except in cases of conflict of interest, shall represent  
5 indigent defendants.

1 SECTION 8. Section 16 of said chapter 211D, as so appearing,  
2 is hereby amended by adding the following two sentences:—  
3 Counsel shall not participate in any other proceeding, unless said  
4 proceeding originates from the indigent defendant’s case.  
5 Counsel shall not solicit plaintiffs, in particular in actions where  
6 the commonwealth is a defendant.